

REMARKS

Claims pending in the instant application are numbered 1-29. Claims 1-29 presently stand rejected. The Applicants respectfully request reconsideration of the present application in view of the following remarks.

Summary of phone interviews with the Examiner

The Applicants' below named representative spoke by phone with the Examiner on January 3, 2003, regarding the Office Action mailed December 19, 2002. The Examiner agreed with the representative that the instant Office Action was defective and that the December 19, 2002 Office Action was to be cancelled. The Examiner stated a new Office Action was to be mailed setting a new shortened statutory period for reply.

The Applicants' representative spoke by phone with the Examiner on March 3, 2003 and informed the Examiner that the representative had not received a new Office Action. The Examiner acknowledged that a new Office Action had not been mailed. The Examiner stated that a new Office Action would be mailed forthwith.

Since the Applicant's representative has not yet received a new Office Action, this paper is in response to the Office Action mailed December 19, 2002.

Applicants request clarification regarding drawings

In the December 19, 2002 Office Action, the Examiner notes that formal drawings will be required when the application is allowed. However, according to the Applicants' records, formal drawings were received at the Office on July 27, 2001 in response to a Notice

to File Corrected Application Papers. The Applicants respectfully request clarification from the Examiner.

Applicants request clarification regarding priority

In the December 19, 2002 Office Action, receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d). However, the Applicants have no record of submitting papers under 35 U.S.C. 119(a)-(d). The Applicants respectfully request clarification from the Examiner and a copy of any such documents from the Office's records.

35 U.S.C. § 102 and 103 Rejections

In the December 19, 2002 Office Action, claims 1-2, 6-7 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bellerby et al. (GB 2 184 255). Claims 3-5 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bellerby in view of Anderson et al. (DE 199 19 415 A 1).

Claim 1 expressly recites "the first optical path length is different than the second optical path length." Thus, the present claims expressly recite a first optical path length and a second optical path length, the first optical length being different than the second optical path length.

Bellerby is directed to an optical fiber integrated optical device. However, the Examiner fails to show that Bellerby discloses, teaches or fairly suggests "the first optical path length is different than the second optical path length" as expressly claimed in the Applicants' invention.

Anderson is directed to a coupling system comprising a plurality of optical fibers coupled to optical waveguides formed on a substrate. However, the Examiner fails to show that Anderson discloses, teaches or fairly suggests “the first optical path length is different than the second optical path length” as expressly claimed in the Applicants’ invention.

Accordingly, both Bellerby and Anderson, whether taken singularly or in combination, fail to disclose, teach or fairly suggest at least one or more expressly recited elements of the Applicants’ presently claimed invention. Thus, the present invention as expressly claimed would not be anticipated nor rendered obvious by Bellerby or Anderson. Independent claims 13, 18 and 24 distinguish for at least the same reasons as claim 1. Claims 2-12, 14-17, 19-23 and 25-29 are dependent claims and distinguish for at least the same reasons as their respective independent base claims in addition to adding further limitations of their own.

Applicants request copies of cited references

The Applicants respectfully request copies of all cited references per M.P.E.P. § 707.05(a). According to page 4 of the Office Action, the references Bellerby and Anderson were submitted by the Applicant in a prior art statement, so no copy is provided with the Office Action. Reference Cameron is also noted as prior art made of record. However, the Applicants have no record of any such prior art statements and have no record of submitting Bellerby, Anderson, or Cameron in any Information Disclosure Statement. The Applicants respectfully request clarification and a copy of any such documents from the Office’s records.

Applicants request Examiner provide grounds for rejecting claims 11-29

Per M.P.E.P. § 707.07(d), the Applicants request the grounds for rejection of claims 11-29 be fully and clearly stated. The Office Action Summary (Form PTO-326) indicates claims 1-29 are rejected. However, the Detailed Action of the Office Action fails to state the grounds for rejection of claims 11-29. The Applicants respectfully request clarification regarding the grounds of rejection of claims 11-29.

Conclusion

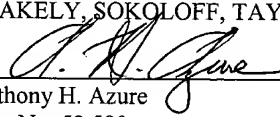
The Applicants respectfully request that the instant §§ 102 and 103 rejections be withdrawn and submit that the present application is in condition for allowance. The Applicants also respectfully request clarification, as described above, to the December 19, 2002 Office Action. The Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee due in this matter.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: March 19, 2003



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

on March 19, 2003
Date of Deposit

Dominique Valentino
Name of Person Mailing Correspondence

Dominique Valentino 3-19-03
Signature Date